

Resolution #TC-2076

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes for March 21 & 22, 2012 are hereby approved as published in the official agenda of the April 18 & 19, 2012 Meeting.

**Transportation Commission of Colorado
Regular Meeting Minutes
March 22, 2012**

Vice Chairman Gary Reiff convened the meeting at 9:32 a.m. in the auditorium of the headquarters building in Denver Colorado.

PRESENT WERE: Gary Reiff, Vice Chairman, District 3
Trey Rogers, District 1
Heather Barry, District 4
Kathy Gilliland, District 5
Kathy Connell, District 6
Doug Aden, District 7
Les Gruen, District 9
Gilbert Ortiz, Sr., District 10

EXCUSED: Steve Parker, Chairman, District 8
Ed Peterson, District 2

ALSO PRESENT: Don Hunt, Executive Director
Ben Stein, CFO
Tim Harris, Chief Engineer
Heidi Bimmerle, Director of Admin & Human Resources
Debra Perkins-Smith, Director Division of Transportation Development
Mark Imhoff, Division of Transit and Rail Director
Mike Cheroutes, HPTE Director
Casey Tighe, Audit Director
Darrell Link, Office of Transportation Safety Director
Stacey Stegman, for Public Relations Director
Scott McDaniel, Staff Services Director
Tony DeVito, Region 1 Transportation Director
Tom Wrona, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Johnny Olson, Region 4 Transportation Director
Kerrie Neet, Region 5 Transportation Director
Reza Akhavan, Region 6 Transportation Director
Harry Morrow, Chief Transportation Counsel
Doug Bennett, FHWA
Vince Rogalski, Statewide Transportation Advisory Committee (STAC)

AND: Other staff members, organization representatives and the public

An electronic recording of the meeting was made and filed with supporting documents in the Transportation Commission office.

Audience Participation

Chairman Reiff mentioned that no one had signed up to speak and asked if there was anyone in the audience who wished to address the Commission and there was no request.

Individual Commissioner Comments

Commissioner Gilliland reported that she was continuing to hold outreach meetings and most recently the meeting was held in Fort Lupton and was very successful. She declared that the next meeting would be held in Brush, CO.

Commissioner Aden reported that he had been gone for a couple of months and that when he returned he attended a meeting of the Mayors, Managers and Commissioners Group in Summit County where there was an extensive discussion of State Highway 9 between Breckenridge and Frisco in Summit County and on whether the money to complete the project might ever be available. Commissioner Aden stated that he suspected all of the Commissioners would be facing the same types of discussions in the future at the meetings they attend.

Commissioner Barry stated that she wanted to recognize Adams County for making the trip to Colorado Springs for the February Commission meeting to show the county's leadership and commitment to the TIGER IV Grant Application. She confirmed that she wanted to congratulate them for taking the role and working with the other jurisdictions within the county to come up with additional funds that would lead to a very successful application.

Commissioner Gruen stated that he wanted to thank the Commission and the staff for taking the February Road Trip to his district and that it should be noted in the minutes from February that the location for the meeting was PPACG in Colorado Springs rather than the CDOT Headquarters in Denver. Vice Chair Reiff confirmed that the location would be properly noted in the minutes.

Vice Chairman Reiff reported that it had been a busy couple of months for him and that Senator Williams had set up a number of meetings in her district that Commissioner Reiff had attended. He mentioned that he had also met with Greenwood Village City Council and the Arapahoe County Commissioners. He declared that he had joined Chairman Parker, Ben Stein and Director Hunt for a trip to Washington D.C. to meet with the Congressional delegation on the annual trip. He stated that the delegation

members were cordial, responsive and supportive of the request for the TIGER Grant application for North I-25.

Executive Director's Report

Director Hunt reported that he had additional observations on the trip to Washington D.C. and stated that it had been somewhat encouraging that one house of congress had passed a transportation bill even though it was only for 2 years. He confirmed that the bill keeps transportation funding for the states at the level that it has been for the past several years.

He declared that he had participated in a Cabinet Panel at the Colorado Municipal League Meeting.

Mr. Hunt gave information on TBD Colorado, the Governor's private non-profit effort that is slated to form panels from 1000 people across the state in the next couple of months to discuss the future of the state including transportation, health care, education and the state budget. He mentioned that those interested could visit the TBD Colorado Website: tbdcolorado.org and that the 40 regional panels were being set up and would start soon. He declared that by June or July a foundation from which the Transportation Commission could begin to have further discussions about the future of Transportation funding in the state should be ready.

He confirmed that he had attended the Colorado Association of Ski Towns meeting where he heard all good things about CDOT and he thanked Dave Eller and Kerrie Neet for the Regional cooperation that they had been a part of in the process of developing regional projects that were important to CDOT and local government.

He stated that following the Transportation Commission Road Trip to Colorado Springs, a group of Mayors from El Paso County had made a visit to the Governor's Office and that he was able to attend the meeting. He confirmed that the Group was led by Colorado Springs Mayor, Steve Bach and that the positive thing that the visit displayed was that the region appears to see the need to speak more with one voice to solve transportation and other problems. He confirmed and that they were seeking to model the structure of the Denver Metro Mayor's caucus.

He stated that there had been a great meeting in the I-70 corridor where Tony DeVito, staff and himself had presented information on the following topics:

Speed harmonization

Twin tunnels project

Peak period shoulder running

Unsolicited proposal from the Parsons Development group

Co-development RFQ

He confirmed that tolling is a part of adding any additional lanes on I-70 and a part of the Twin Tunnel project.

He stated that even though CDOT is financially challenged the organization and staff will continue to work on ways to solve Colorado's transportation challenge.

Chief Engineer's Report

Chief Engineer Tim Harris confirmed that the request for statements of interest was out on the I-70 unsolicited proposal and that a pre-proposal meeting had been scheduled to gauge the interest in the project.

He declared that he was privileged to be able to honor two RTDs with awards for service to CDOT and that the first one was for Tony DeVito for 20 years. He presented Tony with his gifts and congratulated him. Mr. Harris stated that the second award was for 25 years of service and that it was being presented to Reza Akhavan. He presented Reza with his gifts and then mentioned that he had an additional award from AASHTO where Reza was being recognized for the 25 year milestone from the organization.

High Performance Transportation Enterprise (HPTE) Director's Report

Mike Cheroutes reported that there were a few items he wanted to highlight:

- HPTE Board met Wednesday, March 21, 2012
 - He stated that there was a short agenda mostly focused on the US 36 project
 - He reported that they were in a procurement stage and that they were expecting a response to the letter of intent sent to the TIFLIA people in December
 - April 6, 2012 would be the deadline for responses to the RFQ that is currently out and then a better picture of what to expect would be able to be seen after April 6

He stated that he hoped to have good news to report in April.

FHWA Division Administrator Report

Doug Bennett spoke for Administrator Cater who was out. Mr. Bennett reported that recently there had been many conversations about the benefits that CDOT employees had gained from taking trips to other states to see innovations. He stated that Colorado staff members were sharing information with Tampa and Charlotte regarding some the experiences from hosting the Democratic National Convention a few years ago.

He reported that recently the opportunity for 2 CDOT Staff members and some FHWA staff had been approved to go to Boston to talk to them about their experience with Construction Management General Contracting.

STAC Report

Vince Rogalski declared that the STAC had met Friday, March 16, 2012 and had been presented briefings on the following topics:

Federal Update
TIGER IV Grant Applications
State Update
Unsolicited Proposal
Twin Tunnels
Budget and changes to the income projections
State Planning Rules
State Freight and Passenger Rail Plan
Federal Funding on Transit
Division of Transit and Rail

Committee Reports

EFFICIENCY AND ACCOUNTABILITY COMMITTEE

Gary Vansuch gave the following report on the meeting of the Committee held on February 16, 2012.

He stated that the Committee had decided to begin each meeting with a brief safety item and that Bob Sakaguchi had led the discussion on how to safely exit the building and directed the Committee to a designated gathering place for members to go in the event of an emergency.

He reported that Scott Richrath of DTD presented information on how CDOT is communicating Performance Measures to the public. He declared that the Committee recognized that one of the challenges is getting the information on data to the public.

He confirmed that the Committee had begun Development of work plan for 2012 and that work on that project would continue at the next meeting.

Transit and Intermodal Committee

Commissioner Reiff delivered the following report from the Transit and Intermodal meeting held on Wednesday, March 21, 2012:

- Mark Imhoff briefed the Committee on the finalization of the State Freight and Passenger Rail Plan. The Plan was released for review and comment on January 30, 2012 with the comment period concluding on March 2, 2012. Approximately 200 comments were received, but many were the same. Key comments included adding a plan objective on tourism as a major economic driver in the state, and a recommendation for a performance based corridor evaluation process.
- The Plan has been finalized, and has received recommendations for Commission approval by the STAC and TRAC. The Transit & Intermodal also recommend adoption; it is on today's Consent Agenda. Following TC approval, the Plan will be submitted to FRA.
- Tom Mauser gave a presentation on the various FTA grant programs that CDOT administers within Colorado. The FTA grant programs cover a variety of capital and operating expenses for small urbanized and rural areas. In addition

to the FTA programs, DTR also administers the state FASTER Transit grant program.

- Ann Rajewski gave a brief update on the activities of TRAC. TRAC has been very involved in the development and review of the State Freight and Passenger Rail Plan. The TRAC is now focusing on bringing together this Plan and the upcoming studies to begin thinking about a framework for transit policy considerations; as they develop, these policy concepts will be brought to the T&I Committee for discussion.

Audit Committee

Commissioner Gruen delivered the following report regarding the Audit Committee meeting on Wednesday, March 21, 2012:

- The Committee approved the 2013 workplans for internal and external audit. One of the new areas for audit effort will involve more cognizant audit letters for engineering firms that are based in Colorado but work for several different state DOTs. The purpose of the cognizant audit program is to reduce duplication of audit efforts by allowing the firm to have one audit approved by a state DOT and have that audit used by all the other states. FHWA expressed support for cognizant reviews.
- Representatives from Sanborne Mapping, a Colorado company, told the committee that other states were asking them for a cognizant audit from Colorado.
- In a recent engineering consultant contract audit, the auditors found that CDOT engineers need to be sure that a scope change is necessary before approving contract amendments. The audit also found that CDOT needs to do a better job of training engineers on how to conduct and document independent cost estimates for engineering contracts and task orders. The Chief Engineer agreed that training on scoping and cost estimating would be emphasized.
- Audit is working with FHWA on ensuring local agencies properly submit charges for payroll and benefits on federal aid projects.
- Region 5 RTD Karrie Neet provided an analysis of lessons learned from a recent dispute on a construction project. Ms. Neet indicated that the region will pay more attention to evaluating environmental factors such as bird migration when they plan project start dates. The region has also instituted better review procedures to catch possible errors in survey work before construction begins.

Act on Consent Agenda

Vice Chairman Reiff stated that the next item of business was approval of the Consent Agenda. He reported that a set of substitute Minutes and a revised Resolution on the Freight and Passenger Rail plan had been handed out. He then asked for a motion on the Consent Agenda with the noted substitutions. Commissioner Connell moved for approval of the item. Commissioner Rogers

seconded the motion and on a vote of the Commission, the Consent Agenda was unanimously approved.

Approve the Special & Regular Meeting Minutes of February 16 & 17, 2012

Resolution #TC-2066

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of February 16 & 17, 2012 are hereby approved in the amended format of the version published in the official agenda of the March 21 & 22, 2012 meeting Agenda.

**Resolution to approve the Policy Amendment Number 9 for the FY12 -FY17
STIP**

Resolution #TC-2067

Resolution to Approve STIP Policy Amendment Package for Amendment #9

Approved by the Transportation Commission on: March 22, 2012

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2012 – 2017 Statewide Transportation Improvement Program (STIP) in May, 2011; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

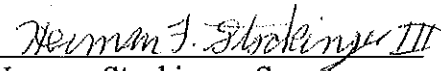
WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for Amendment #9 was provided from February 16 through March 21, 2012, and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve these policy amendments to the STIP, which are detailed in the attached table, and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #9 be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Resolution to approve the FY 2012 Safe Routes to Schools projects

Resolution #TC-2068

Approval of the Fiscal Year 2012 Safe Routes to School project list

Approved by the Transportation Commission on: March 22, 2012

WHEREAS, in 2004, C.R.S. 43-1-1604 required the Transportation Commission of Colorado to establish and the Colorado Department of Transportation (CDOT) to administer a Safe Routes to School (SRTS) program to distribute federal funds to eligible projects that enable and encourage children K-8 to bicycle and walk to school; and

WHEREAS, in 2005, Rules outlining the Colorado SRTS program were developed by a taskforce consisting of CDOT staff, representatives of the bicycling and pedestrian community, and the Colorado Department of Health and Environment and subsequently the Rules were adopted by CDOT; and

WHEREAS, in 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established 100 percent federal funding for the SRTS program; and

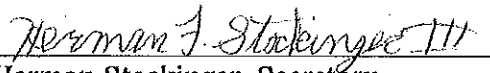
WHEREAS, an annual Colorado SRTS Advisory Committee was appointed by the CDOT Executive Director to represent teachers, parents, law enforcement, pedestrians, bicyclists, and transportation advisors to develop the Colorado SRTS program, to review all applications and to recommend projects for funding; and

WHEREAS, the SRTS Advisory Committee selected projects in February 2012 to recommend to the Commission for approval;

WHEREAS, a prioritized project list was established for \$2.5 million in 2012 federal SRTS program dollars.

NOW THEREFORE BE IT RESOLVED, the Commission approves the Fiscal Year 2012 SRTS project list, dated March 22, 2012.

BE IT FURTHER RESOLVED, the Commission directs staff to take appropriate steps to amend the STIP, if required, and supplement the budget to be able to proceed with contract development.


Herman Stockinger, Secretary
Transportation Commission of Colorado

**Resolution to approve a Declaration of Excess Property for Parcel #528X on I-25
and Maplewood Avenue in Arapahoe County**

RESOLUTION #TC-2069

Parcel 528X of Project NH 252-299 containing 0.737 acres more or less be declared excess

Approved by the Transportation Commission on: March 22, 2012

WHEREAS, Parcel 528X is a 0.737 acre (32,105 square feet) parcel in the NW ¼ of NE ¼ Section 21, Township 5 South, Range 67 West of the Sixth Principal Meridian, Arapahoe County, Colorado;

WHEREAS, Parcel 528X was acquired in 1949 by Colorado Department of Highways for use as maintenance facility location;

WHEREAS, in July, 2003 Colorado Department of Transportation under Project NH 252-299 used a portion of the original site for ROW reducing the site to the current size and present legal description.

WHEREAS Parcel 528X will be sold at fair market value in accordance with Colorado Revised Statute 43-1-210(5);

WHEREAS, the sale of Parcel 528X will not affect the design, construction or utility of Interstate 25;

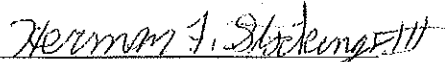
WHEREAS, the Department of Transportation, Region 6, recommends that the property described as 528X of Project NH 252-299 is not needed for transportation purposes in the foreseeable future and should be declared excess property;

WHEREAS, the Department of Transportation, has declared through Timothy J. Harris as Chief Engineer that Parcel 528X is not needed for transportation purposes in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel 528X is not needed for transportation purposes in the foreseeable future;

NOW THEREFORE BE IT RESOLVED, that Parcel 528X of Project NH 252-299 containing 0.737 acres more or less be declared excess and the Department of Transportation be given authority to dispose of Parcel 528X as shown in Exhibit A and contained in the official agenda.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.


Herman Stockinger, Secretary
Transportation Commission of Colorado

**Resolution to approve a Declaration of Excess Property of the Wellington
Maintenance Facility in Region 4**

RESOLUTION #TC-2070

Approval of the Wellington Maintenance Facility being declared excess

Approved by the Transportation Commission on: March 22, 2012

WHEREAS, CDOT owns a 0.6015 acre (26,200 square feet) property identified as Lots nine (9) Ten (10) Eleven (11) and Twelve (12) in Block One (1) Martin's addition to Wellington, Larimer County, Colorado ("Wellington Maintenance Facility").

WHEREAS, the Wellington Maintenance Facility was acquired in 1949 by Colorado Department of Highways for use as a maintenance facility location;

WHEREAS, the Wellington Maintenance Facility is located in a residential neighborhood, off of the State Highway System;

WHEREAS, a new maintenance facility in Wellington is under construction and nearing completion. When the new maintenance facility is complete the existing facility will be vacated and will no longer be needed for CDOT maintenance functions;

WHEREAS, the Department of Transportation, Region 4, recommends that the Wellington Maintenance Facility is not needed in the foreseeable future and it should be declared excess property;


WHEREAS, the Wellington Maintenance Facility will be sold at fair market value in accordance with Colorado Revised Statute 43-1-210 (5);

WHEREAS, the Department of Transportation, has declared through Timothy J. Harris as Chief Engineer that the Wellington Maintenance Facility is not needed for transportation purposes in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that the Wellington Maintenance Facility is not needed for transportation purposes in the foreseeable future;

NOW THEREFORE BE IT RESOLVED, that the Wellington Maintenance Facility be declared excess and the Department of Transportation be given authority to dispose of said parcels as shown in Exhibit A and contained in the official agenda.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Resolution to approve additions to the over \$50,000 project list

Resolution #TC-2071

Region 1 Aurora, Highways 9, 24, and 70, Region 5 Durango, Highways 151 and 160 Addendums to the over \$50K project list

Approved by the Transportation Commission on: March 22, 2012

WHEREAS, under Senate Bill 98-148, public projects supervised by the Colorado Department of Transportation (CDOT) are exempt from the requirements of the "Construction Bidding for Public Projects Act;" and

WHEREAS, Section 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare cost estimates for projects to be undertaken by CDOT maintenance crews that exceed \$50 thousand, but are less than or equal to \$150 thousand for submission to the Transportation Commission for review and approval; and

WHEREAS, CDOT staff have prepared cost estimates for these projects to be done in Fiscal Year 2012 as detailed in the memorandum entitled, March addendum to Fiscal Year 2012 Projects by Maintenance Forces Requiring Transportation Commission Approval dated February 24, 2012; and

WHEREAS, the funding for these projects is contained in the Fiscal Year 2012 Budget.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission has reviewed the cost estimates, as contained in the official agenda, and approves CDOT Maintenance Forces undertaking the projects therein.

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Region 1 – Aurora

Highway	Begin MP	End MP	Type	Estimated Cost
9D	118	119.2	Overlay	\$92,928
24C	438.4	440	Overlay	\$135,303
70A	379	380	Overlay	\$98,659
70A	206	207.2	Overlay	\$139,392
70A(Frontage)	448.83	449.53	Overlay	\$59,195
			Subtotal	\$525,477

Resolution to approve the repeal of Policy Directive 46.0 regarding Use of Cellular Telephones and Other Telecommunications Devices

Resolution # TC-2072

Repeal of Policy Directive 46.0 "Use of Cellular Telephones and Other Telecommunications Devices.

Approved by the Transportation Commission on: March 22, 2012

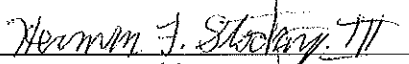
WHEREAS, Policy Directive 46.0 was adopted by the Transportation Commission on July 26, 2001; and

WHEREAS, on November 21, 2011, Executive Director Hunt executed Procedural Directive 46.1, "Mobile Device Procedure" which replaced a previous Procedural Directive dated July 26, 2001; and

WHEREAS, this initiative is based on guidelines issued by the State Controller on June 3, 2011; which encouraged a statewide effort by agencies to ensure that only those employees who have a business need for a mobile device should continue to have a state issued device; and

WHEREAS, in keeping with the State Controller's guidelines, the Department's implementation of PD 46.1 is well underway; and

NOW THEREFORE BE IT RESOLVED, the Commission herein REPEALS Policy Directive 46.0, "Use of Cellular Telephones and Other Telecommunications Devices" dated July 26, 2001 as being no longer necessary.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Resolution to approve the State Freight and Passenger Rail Plan

Resolution # TC-2073

Resolution to Approve the Colorado State Freight and Passenger Rail Plan

Approved by the Transportation Commission on: March 22, 2012

WHEREAS, the Colorado Transportation Commission (Commission) has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, Congress passed the 2008 Passenger Rail Investment and Improvement Act which calls for states to have an approved State Rail Plan in order to be eligible for federal funding for passenger rail investments, and

WHEREAS, the Commission provided matching funds for the Colorado Department of Transportation's grant from the Federal Railroad Administration to develop the Colorado State Freight and Passenger Rail Plan (Plan); and

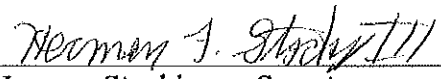
WHEREAS, a fifteen month planning effort incorporating considerable stakeholder involvement including a Steering Committee and Stakeholder Group has led to the completion of the draft Plan; and

WHEREAS, the draft has been made available for a 30+ day review and comment period, and

WHEREAS, comments received have been reviewed and incorporated as appropriate.

NOW, THEREFORE, BE IT RESOLVED, the State Freight and Passenger Rail Plan be adopted as the basis for the railroad element of the future CDOT Long Range Statewide Transportation Plan and the foundation of the Interregional Connectivity Study and the Advanced Guideway Feasibility Study.

BE IT FURTHER RESOLVED, upon acceptance of this resolution, CDOT will forward the Plan to the Federal Railroad Administration for final concurrence.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Discuss and Act on the 10th Budget Supplement

Laurie Freedle stated that the supplement included a walk on item which had been discussed during the Budget Workshop on Wednesday, March 21, 2012. She stated that the item dealt with the MLOS budget with a supplement to that budget coming from the Snow and Ice contingency for snow and ice removal where deficits were anticipated in a few Maintenance Sections. She declared that she wanted to draw attention to the FY 2012 budget adjustment which was discussed at the February Budget Workshop and that direction had been provided by the Commission. She confirmed that the direction had been incorporated into the budget adjustment and added that she was requesting approval.

Commissioner Rogers stated that it was encouraging to see the budget items that included design dollars for US 36 Phase II and I-25 North Managed Lanes projects and he viewed them as a sign of progress. Commissioner Rogers moved for approval of the Budget Supplement.

Commissioner Connell seconded the motion and on a vote of the Commission, the Budget Supplement was unanimously approved.

Resolution #TC-2074

Approval of the 10th Budget Supplement

BE IT RESOLVED THAT, the 10th Supplement to the Fiscal Year 2011-2012 Budget be approved.

Discuss and Act on the Resolution to Opening Rule Making for 2 CCR 601-4 pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads (OSOW Rules)

Dave Wieder gave the following outline of information pertaining to the Rule Making request:

- Documents pertaining to Item 12 begin on Page 72 of your packets. The resolution is located on page 73.
- The Department is requesting that the Commission open rulemaking and delegate authority to an Administrative Hearing Officer to hold a public rule making hearing concerning 2 CCR 601-4, Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads ("OSOW Rules").
- The Commission is authorized to open these rules under its general rule making authority found at § 43-1-106(8)(k) C.R.S. (2011), and specific

authority in statute concerning extra-legal vehicles or loads, § 42-4-510(1)(b)(I), § 42-4-510(1.7)(B)(II)(B), and § 42-4-511(1) C.R.S.

- The Department is requesting that the Transportation Commission open these rules based on legislation passed in 2011 (HB11-1192, HB 11-1163, and HB 11-1279) which amended § 42-4-505(3)(a) C.R.S. and § 42-4-510 C.R.S.
- The scope of this rule making is narrow, and only includes those changes mandated by statute and other minor corrections.
- A summary of the proposed changes to the rules is found at page 74 and 75 of your materials. A redline version of the rules is comprised of 9 pages and follows the summary.
- The Department requests that you open the rules today so that we can hold a public rule making hearing in May, and return to you following the hearing to consider and adopt the proposed rules at the May 24, 2012 meeting.
- These proposed amendments to the Rules further effectuate Governor Hickenlooper's Executive Order 2012-002, which directs all state agencies to review and update any existing rules to confirm that they are effective, efficient and essential.

He requested that the Commission adopt the resolution on page 73 of the packet to open rule making for permanent rules, 2 CCR 601-4.

Commissioner Aden moved for approval of the Rule Making item and Commissioner Gilliland seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

Resolution # TC-2075

Open Rule Making and Delegate Authority to an Administrative Hearing Officer to Conduct a Hearing Regarding Amendments to the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads ("OSOW Rules"), 2 CCR 601-4.

Approved by the Transportation Commission on: March 22, 2012

WHEREAS, § 42-4-510(1)(b)(I), § 42-4-510(1.7)(B)(II)(B), § 42-4-511(1) and § 43-1-106(8)(k) C.R.S. (2011) authorizes the Transportation Commission of Colorado ("Commission") to promulgate rules regarding permits for extra-legal vehicles or loads; and

WHEREAS, the proposed amendments to the OSOW Rules are based on statutory changes resulting from legislation in 2011 (HB11-1192, HB 11-1163, and HB11-1279) which amended § 42-4-505(3)(a) C.R.S. and § 42-4-510 C.R.S.; and

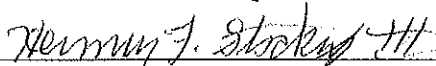
WHEREAS, the Commission has the authority to conduct a rule making hearing or to delegate the authority to an Administrative Hearing Officer for the purposes of conducting the rule making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations to the Commission for its review and action concerning amendment to the Rules; and

WHEREAS, the Department recommends the Rules be amended to conform to the statutory language in the above referenced legislation; and

WHEREAS, proposed amendments of the Rules further effectuate Governor Hickenlooper's Executive Order 2012-002, which directs all state agencies to review and update any existing rules to confirm that they are effective, efficient and essential; and

NOW THEREFORE BE IT RESOLVED, the Commission authorizes staff to prepare a draft of the amended Rules, and to take all necessary actions in accordance with the State Administrative Procedures Act to initiate rule making for the purpose of amending the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the rulemaking hearing to a CDOT Administrative Hearing Officer to prepare a complete record of the hearing and forward said record and Rules to the Commission for consideration and adoption of the Rules.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Acknowledgements

Vice Chairman Reiff asked the Executive Director if there were any acknowledgements and he confirmed that there were not.

Other Matters

Vice Chairman Reiff recognized Director Hunt who mentioned that he had missed giving recognition to Herman Stockinger who had taken on the task of reducing the use of cell phones and wireless devices within the department. Mr. Hunt reported that within the Consent Agenda the item: Repeal of Policy Directive 46.0 regarding Use of Cellular Telephones and Other Telecommunications Devices had passed due to great effort of Herman and his staff. He and Herman discussed the cost savings numbers associated with the project.

Adjournment

Vice Chairman Reiff announced that the meeting was adjourned at 10:07 a.m.



Herman Stockinger, Secretary
Transportation Commission of Colorado